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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/617,366

07/10/2003

W. J. Jim Amoss JR.

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08/07/2006

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EXAMINER

KIM, SANG K

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,366

Applicant(s)

AMOSS ET AL.

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74,75 and 77-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74,75 and 77-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Drawings

The drawings filed on 6/20/05 are objected to under 37 CFR 1.83(a) because they fail to show "container scanning equipment" as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Applicant has submitted a new Figure 19 in which "Figure 14" has been replaced with "614" identified in the specification as container scanning equipment without any structural detail that is essential for a proper understanding of the disclosed invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112 1st Paragraph

Claims 74-81 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 74, applicant recites "container scanning equipment" without explaining how to make or use the invention based on the disclosure. Applicant merely recites "container scanning equipment 614" without explaining how the "container scanning equipment" works with respect to the system including cranes and trailers. Since cranes are not able to reach over to the "container scanning equipment" area, applicant's specification fails to explain the purpose of placing the "container scanning equipment" near the causeway 604.

Claim Rejections - 35 USC § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 74-88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 74, 81, 82, and 88 are indefinite and vague. What constitutes "automatic" hitches?

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Claim 81 is indefinite and vague. It is unclear how claim 81 further limits the scope of the claim from which it depends, since claim 74 is reciting the same feature.

Claim 88 is indefinite and vague. It is unclear how claim 88 further limits the scope of the claim from which it depends, since claim 82 is reciting the same feature.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 74-75 and 78-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce, U.S. Patent No. 3149733, in view of Landow, U.S. Patent No. 4190393, and further in view of Hareyama et al., U.S. Patent No. 5780826.

With respect to claims 74-75 and 80-81, Joyce '733 shows a transshipping platform (i.e., a ship's platform); a plurality of cranes (23, 24) on the transshipping platform for transferring goods between an ocean-going vessel (81) and a barge (80) or other shallower-draft feeder vessel using the cranes on the transshipping platform, the cranes including a gantry crane with trolleys and hatch storage (i.e., using telescopic chute to gather goods and conveying it through the conveyor and storing into the hopper or using buckets 34, 35), and luffing boom cranes (17, 18) rotate and mounted on separate gantry frames with hatch storage (i.e., using the bucket hoppers for storage) see figure 3; bi-directional draw bar multi-trailers (i.e., using the rotating luffing

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boom cranes which can move up and down the rails 14, 15) for receiving containers/goods from the cranes and delivering containers/goods to the cranes, see figures 1-5.

Landow '393 explains yard tractors with hitches for moving the trailers, see abstract.

Hareyama '826 shows a container scanning equipment 6 using a sensor 60 to identify the identification code 62 of a container 62, see figures 4-5.

Joyce '733 discloses the claimed invention except for yard tractors with hitches for moving the trailers or container scanning equipment. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide yard tractors to move the trailers as taught by Landow, and move the system onto a docking station using a container scanning equipment as taught by Hareyama, in order to help transport the goods faster and organized manner.

With respect to claims 78-79, as stated above, Joyce '733 shows platform extensions (bow and stern portions of the deck, 10, 11), see figure 1.

Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce, Landow, and Hareyama as applied to claim 74 above, and further in view of Lovell, U.S. Patent No. 1033602.

Joyce, Landow, and Hareyama does not show the system further comprising a multi-purpose container island.

Lovell '602 shows an MPC island (located near B2), see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the system of Joyce '733 near a multi-purpose container island as taught by Lovell '602 to help transport the goods faster.

Claims 82-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce, U.S. Patent No. 3149733, in view of Landow, U.S. Patent No. 4190393.

With respect to claims 82-83 and 87-88, Joyce '733 shows a transshipping platform (i.e., a ship's platform); a plurality of cranes (23, 24) on the transshipping platform for transferring goods between an ocean-going vessel (81) and a barge (80) or other shallower-draft feeder vessel using the cranes on the transshipping platform, the cranes including a gantry crane with trolleys and hatch storage (i.e., using telescopic chute to gather goods and conveying it through the conveyor and storing into the hopper or using buckets 34, 35), and luffing boom cranes (17, 18) rotate and mounted on separate gantry frames with hatch storage (i.e., using the bucket hoppers for storage) see figure 3; bi-directional draw bar multi-trailers (i.e., using the rotating luffing boom cranes which can move up and down the rails 14, 15) for receiving containers/goods from the cranes and delivering containers/goods to the cranes, see figures 1-5.

Landow '393 explains yard tractors with hitches for moving the trailers, see abstract.

Joyce '733 discloses the claimed invention except for yard tractors with hitches for moving the trailers. It would have been obvious to one having ordinary skill in the art

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at the time the invention was made to provide yard tractors to move the trailers as taught by Landow, in order to help transport the goods faster.

With respect to claims 85-86, as stated above, Joyce '733 shows platform extensions (bow and stern portions of the deck, 10, 11), see figure 1.

Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce in view of Landow as applied to claim 82 above, and further in view of Lovell, U.S. Patent No. 1033602.

Joyce in view of Landow does not show the system further comprising a multi-purpose container island.

Lovell '602 shows an MPC island (located near B2), see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the system of Joyce '733 near a multi-purpose container island as taught by Lovell '602 to help transport the goods faster.

Response to Arguments

Claims 81-88 have been added.

Applicant's arguments, see page 4, filed on 7/14/06, with respect to the rejection(s) of claim(s) 74-75, and 77-81 under Weis in view of Landow and/or Lovell have been fully considered and are persuasive. Therefore, the rejection has been withdrawn due to the incorrect publishing date. However, upon further consideration, a new ground(s) of rejection is made in view of Joyce, Landow, Hareyama, and Lovell.

Applicant argues that although claim 74 includes yard tractors in the claimed system, but that does not necessarily mean that the method of claim 80 includes using those yard tractors as claim 81.

Examiner disagrees with the applicant because claim 80 requires the system of claim 74, which requires yard tractors to move the trailers along with the containers received from the cranes. Meaning that it is using those yard tractors, thus, claim 81 fails to further limit the scope of the claims from which it depends.

Applicant argues that those of ordinary skill in the art will know what container scanning equipment is, thus, drawings and the specification provide adequate disclosure, especially nowadays containers typically include bar codes on their side and the container scanning equipment reads those bar codes.

Since there are many ways to scan a cargo container, Examiner disagrees with the applicant's assessment stated above. The applicant has submitted a new Figure 19 in which "Figure 14" has been replaced with "614" identified in the specification as container scanning equipment without any structural detail that is essential for a proper understanding of the disclosed invention. One cannot assume that the applicant was using a bar code system to identify the cargo container. Furthermore, the claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 74, applicant recites "container scanning equipment" without explaining how to make or use the invention based on the disclosure and there is no mention about reading bar codes as argued by the applicant.

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Applicant merely recites "container scanning equipment 614" without explaining how the "container scanning equipment" works with respect to the system including cranes and trailers. Since cranes are not able to reach over to the "container scanning equipment" area, applicant's specification fails to explain the purpose of placing the "container scanning equipment" near the causeway 604.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

SK

7/30/06

A handwritten signature in black ink, appearing to read "William A. Rivera". The signature is fluid and cursive, with the first name "William" being more prominent.

**WILLIAM A. RIVERA
PRIMARY EXAMINER**